

DEAN W. ROWELL

IBLA 77-554

Decided November 22, 1977

Appeal from decision of the Utah State Office, Bureau of Land Management, requiring additional rental prior to issuance of a noncompetitive oil and gas lease, U-34952.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Rentals -- Regulations: Applicability

Where the Department, through a duly promulgated regulation, has increased the rental rate on all noncompetitive oil and gas leases issued after a specified date, such increased rate is applicable to an over-the-counter offer filed prior to the specified date.

APPEARANCES: Dean W. Rowell, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

On October 27, 1976, Dean W. Rowell filed over the counter, with the Utah State Office, Bureau of Land Management, a noncompetitive oil and gas lease offer, U-34952, for certain lands in the State of Utah. The offer was accompanied by the rental payment for the first lease year at the rate of 50 cents per acre. By decision of August 5, 1977, the Utah State Office required additional rental. Mr. Rowell's appeal concerns that requirement.

The amount of annual rental was changed from 50 cents per acre to \$1 per acre for noncompetitive oil and gas leases by an amendment to 43 CFR 3103.3-2 published January 5, 1977, 42 FR 1032, and effective February 1, 1977. Mr. Rowell's objections to the increase of the rental rate and its applicability to his offer, U-34952, are

similar to those in previous appeals filed by him which were consolidated, together with appeals by three other offerors, in our decision, D. R. Gaither, et al., 32 IBLA 106 (September 12, 1977). The appeal in this case was received in this office too late for inclusion in that decision. Mr. Rowell's reasons for appeal were answered in the Gaither decision. We adhere to that decision with its basic conclusion that the regulation is applicable to, and requires additional rental for, noncompetitive oil and gas lease offers for which leases had not issued prior to the effective date of the rental increase, even though the offers were filed prior to the promulgation of the regulation.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision is affirmed.

Joan B. Thompson
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Anne Poindexter Lewis
Administrative Judge

